

## Coast Guard, DHS

## § 138.10

(c) To the extent necessary to achieve the objectives and performance factors of § 137.30(a) and (b), the person specified in § 137.1(a) and the environmental professional must gather information from varied sources whose input either individually or taken together may provide commonly known or reasonably ascertainable information about the facility and the real property on which the facility is located; the environmental professional may refer to one or more of the following sources of information:

(1) Current owners or occupants of neighboring properties or properties adjacent to the facility and the real property on which the facility is located.

(2) Local and state government officials who may have knowledge of, or information related to, the facility and the real property on which the facility is located.

(3) Others with knowledge of the facility and the real property on which the facility is located.

(4) Other sources of information, such as newspapers, Web sites, community organizations, local libraries, and historical societies.

### **§ 137.85 The degree of obviousness of the presence or likely presence of oil at the facility and the real property on which the facility is located and the ability to detect the oil by appropriate investigation.**

(a) Persons specified in § 137.1(a) and environmental professionals conducting an inquiry of a facility and the real property on which it is located on their behalf must take into account the information collected under §§ 137.45 through 137.80 in considering the degree of obviousness of the presence or likely presence of oil at the facility and the real property on which the facility is located.

(b) Persons specified in § 137.1(a) and environmental professionals conducting an inquiry of a facility and the property on which the facility is located on their behalf must take into account the information collected under §§ 137.45 through 137.80 in considering the ability to detect the presence or likely presence of oil by appropriate investigation. The report of the environmental professional should include

an opinion under § 137.35(c)(4) regarding whether additional appropriate investigation is necessary.

## **PART 138—FINANCIAL RESPONSIBILITY FOR WATER POLLUTION (VESSELS)**

### Sec.

- 138.10 Scope.
- 138.12 Applicability.
- 138.15 Implementation schedule.
- 138.20 Definitions.
- 138.30 General.
- 138.40 Where to apply for and obtain forms.
- 138.50 Time to apply.
- 138.60 Applications, general instructions.
- 138.65 Issuance and carriage of Certificates.
- 138.70 Renewal of Certificates.
- 138.80 Financial responsibility, how established.
- 138.90 Individual and Fleet Certificates.
- 138.100 Non-owning operator's responsibility for identification.
- 138.110 Master Certificates.
- 138.120 Certificates, denial or revocation.
- 138.130 Fees.
- 138.140 Enforcement.
- 138.150 Service of process.

APPENDIX A TO PART 138—APPLICATION FORM.

APPENDIX B TO PART 138—INSURANCE GUARANTY FORM

APPENDIX C TO PART 138—MASTER INSURANCE GUARANTY FORM

APPENDIX D TO PART 138—SURETY BOND GUARANTY FORM

APPENDIX E TO PART 138—FINANCIAL GUARANTY FORM

APPENDIX F TO PART 138—MASTER FINANCIAL GUARANTY FORM

AUTHORITY: 33 U.S.C. 2716, 2716a; 42 U.S.C. 9608, 9609; sec. 7(b), E.O. 12580, 3 CFR, 1987 Comp., p. 198; E.O. 12777, 3 CFR 1991 Comp., p. 351; 49 CFR 1.46.

Section 138.30 also issued under the authority of 46 U.S.C. 2103, 14302.

SOURCE: CGD 91-005, 59 FR 34227, July 1, 1994, unless otherwise noted.

### **§ 138.10 Scope.**

This part sets forth the procedures by which an operator of a vessel may establish and maintain, for itself, and, where the operator is not the owner or demise charterer, for the owner and demise charterer of the vessel, evidence of financial responsibility to cover liability of the owner, operator, and demise charterer arising under—

(a) Section 1002 of the Oil Pollution Act of 1990 (OPA 90) (33 U.S.C. 2702); and